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**STATE OF CALIFORNIA  
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

IN RE:       **UNITED STATES FOREST SERVICE (USFS)  
FULTON WORK CENTER WATER SYSTEM**  
Water System No. 1502575

TO:           Peter Landucci, Environmental Engineer  
United States Forest Service  
1839 S. Newcomb Street  
Porterville, CA 93257

**BY CERTIFIED MAIL**

**CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1502575  
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION  
September 2013**

**Citation No. 03-19-13C-053**

**Issued on December 17, 2013**

**STATEMENT OF FACTS**

United States Forest Service - Fulton Work Center Water System (hereinafter Water System) is classified as a transient non-community Water System and serves a population of approximately 30 persons through 10 service connections. The Water System has one (1) active source of supply, Well 01 (PS Code: 1502575-001), a 20,000-gallon bolted steel tank and distribution system with 2 and 3-inch PVC pipes. No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit (No. 03-19-13P-020), issued on August 29, 2013, by the California Department of Public Health.



1  
2 The Southern California Drinking Water Field Operations Branch, Division of  
3 Drinking Water and Environmental Management, California Department of Public  
4 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
5 Water Act and regulations promulgated pursuant thereto.  
6

- 7
- 8 • The Water System is required to collect a minimum of one (1) distribution  
9 system bacteriological sample per month.
  - 10 • The Water System was required to collect five routine bacteriological samples  
11 in September 2013, due to one (1) routine total coliform positive sample,  
12 collected on August 7, 2013. Two (2) out of five (5) routine bacteriological  
13 quality samples collected on September 19, 2013, from the distribution system,  
14 tested positive for total coliform bacteria.
  - 15 • **USFS - Fulton Work Center Water System failed the total coliform**  
16 **maximum contaminant level (MCL) for September 2013 [Section**  
17 **64426.1(b)(2), *Authorities*].**
  - 18 • On September 20, 2013, Tami Welker of sKOO'kum h2o monitoring, Inc., the  
19 contract sampler of the Water System, notified the Department via email that  
20 the Water System failed the total coliform MCL for the month of September  
21 2013.
  - 22 • One (1) investigative bacteriological sample collected on September 24, 2013,  
23 from the distribution system, tested negative for total coliform bacteria.
  - 24 • One (1) bacteriological sample collected on September 24, 2013, from Well 01  
25 (counted towards the Ground Water Rule's trigger source sampling  
26 requirement), also tested negative for total coliform bacteria.
  - 27 • To help clear bacteriological contamination from the distribution system, the  
distribution system was disinfected and flushed on September 27, 2013;



1 screens were installed on the overflow pipe; and the hose-bib on the well  
2 discharge line was replaced, as requested in the Department's sanitary survey  
3 letter dated April 23, 2013.

- 4 • On September 30, 2013, investigative samples collected from Well 01 and the  
5 storage tank tested negative for total coliform bacteria.
- 6 • Two (2) investigative samples collected on October 9, 2013, from the  
7 distribution system, tested negative for total coliform bacteria.
- 8 • None of the total coliform positive samples collected in September 2013, from  
9 the distribution system, tested positive for *E.coli* bacteria.
- 10 • On October 14, 2013, a public notice and Proof of Notification were emailed to  
11 the Water System for the September 2013 total coliform MCL failure.
- 12 • On October 18, 2013, the Department received a signed and dated copy of the  
13 Proof of Notification. On October 21, 2013, the Department received a signed  
14 and dated copy of the public notice. According to these documents, public  
15 notification was completed on October 17, 2013.
- 16 • On October 14, 2013, an investigation report was emailed to the Water System,  
17 for the September 2013 total coliform MCL failure.
- 18 • On November 13, 2013, the Department received a completed copy of the  
19 investigation report. The investigation report was completed by sKOO'kum  
20 h2o monitoring, Inc., on behalf of the Water System.
- 21 • The investigation report discussed the screen on the overflow pipe of the  
22 storage tank and hot weather in the area, as possible causes of total coliform  
23 positive samples in September 2013.
- 24 • Due to the total coliform positive samples in September 2013, the Water  
25 System was required to collect five (5) routine bacteriological quality samples  
26 in October 2013. Five (5) routine bacteriological quality samples collected on  
27



October 29, 2013, from the distribution system, tested negative for total coliform bacteria.

- One (1) routine monthly bacteriological sample collected on November 6, 2013, from the distribution system, tested negative for total coliform bacteria.
- Results of all (source and distribution) bacteriological samples collected from January 2013 to November 2013 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

“(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

**Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

“(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

“(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

“(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

“(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

- (1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.
- (2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed



two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC, states in relevant part:**

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

**CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:**

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department



1 office is closed, in which case the supplier shall notify the Department within 24 hours of the  
2 determination. The water supplier shall also notify the consumers served by the water system. A Tier 2  
3 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A  
4 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section  
5 64463.1."

### 6 DETERMINATIONS

7 Based upon the above Statement of Facts and Authorities, the Department determines  
8 that the USFS - Fulton Work Center Water System has violated the following:

- 9
- 10 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated  
11 the total coliform MCL for September 2013, when more than one sample  
12 collected in September 2013, tested positive for total coliform bacteria.

13 The above violation is classified as a non-continuing violation.

### 14 DIRECTIVES

15 USFS - Fulton Work Center Water System is hereby directed to take the following  
16 actions:

- 17
- 18 1. Cease and desist from failing to comply with Section 116555(a) of the  
19 California Health and Safety Code (CHSC) and Section 64426.1(b)(2) of Title  
20 22, California Code of Regulations.
  - 21 2. The Water System shall reimburse the Department, in accordance with an  
22 invoice that shall be provided to the Water System, the costs for enforcement  
23 activities, and such reimbursement shall be made prior to September 1 (or by a  
24 different date if specified by the Department) of the fiscal year following the  
25 fiscal year in which such costs are incurred as described in CHSC Sections  
26 116577(a)(1-2) and 116577(b).  
27



**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon USFS - Fulton Work Center Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and USFS – Fulton Work Center Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**


Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the



Department imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

Dec. 17, 2013

Date

  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2013 through November 2013.

Cc: Kern County Environmental Health Services Department (w/o attachment)  
sKOO'kum h2o monitoring, Inc., Contract Sampler





## **Attachment A**

## ***USFS - Fulton Work Center***

***1502575***

***Distribution System Freq: 1/M***

<b><i>Sample Date</i></b>	<b><i>Time</i></b>	<b><i>Location</i></b>	<b><i>T Coli</i></b>	<b><i>E Coli</i></b>	<b><i>F Coli</i></b>	<b><i>Type</i></b>	<b><i>Cl2</i></b>	<b><i>Violation</i></b>	<b><i>Comment</i></b>
1/8/2013	13:15	1ROU	A	A		Routine			
2/13/2013	12:45	1ROU	A	A		Routine			
3/19/2013	1:00	1ROU	A	A		Routine			
4/10/2013	13:30	1ROU	A	A		Routine			
5/8/2013	17:50	1ROU	A	A		Routine			
6/5/2013	14:35	1ROU	A	A		Routine			
7/17/2013	18:52	1ROU	A	A		Routine			
8/7/2013	14:55	3ROU	P	A		Routine			
8/9/2013	10:00	2REP1	A	A		Repeat			
8/9/2013	10:10	2REP3	A	A		Repeat			
8/9/2013	10:40	2REP2	A	A		Repeat			
9/19/2013	14:40	1ROU	P	A		Routine		MCL	Citation 03-19-13C-053 issued.
9/19/2013	14:48	2ROU	A	A		Routine			
9/19/2013	14:56	3ROU	A	A		Routine			
9/19/2013	15:04	4ROU	P	A		Routine			
9/19/2013	15:20	5ROU	A	A		Routine			
9/24/2013	11:14	1ROU	A	A		Other			
9/30/2013	13:18	STORAGE TANK	A	A		Other			
10/9/2013	17:36	1ROU Office	A	A		Other			
10/9/2013	17:48	3ROU House	A	A		Other			
10/29/2013	11:40	1ROU	A	A		Routine			
10/29/2013	11:45	2ROU	A	A		Routine			
10/29/2013	11:50	3ROU	A	A		Routine			
10/29/2013	11:53	4ROU	A	A		Routine			
10/29/2013	11:55	5ROU	A	A		Routine			
11/6/2013	19:00	1ROU	A	A		Routine			

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## ***USFS - Fulton Work Center***

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***1502575***

***Source Monitoring Freq: 1/M***

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<b><i>Sample Date</i></b>	<b><i>Time</i></b>	<b><i>Source</i></b>	<b><i>T Coli</i></b>	<b><i>E Coli</i></b>	<b><i>F Coli</i></b>	<b><i>Violation</i></b>	<b><i>Comment</i></b>
8/9/2013	10:30	WELL #1	A	A			
9/24/2013	11:02	WELL #1	A	A			
9/30/2013	13:03	WELL #1	A	A			